

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

(1) HITE PLASTICS, INC.)	
)	
Plaintiff,)	
)	Case No. CIV-16-1149-C
v.)	(formerly Oklahoma County
)	Case No. CJ-2016-4634)
)	
(2) SCOTTSDALE INSURANCE)	
COMPANY,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, Scottsdale Insurance Company (“Scottsdale”) hereby submits its Notice of Removal of this action to the United States District Court for the Western District of Oklahoma. Pursuant to L.Cv.R. 81.2, a copy of the state court docket sheet and a copy of all documents filed in the state court action are attached hereto as **EXHIBITS 1 - 4**. This Defendant has neither received nor filed any other pleadings or papers in this case.

The basis of this removal is that the amount in controversy exceeds the jurisdictional amount required by 28 U.S.C. § 1332, and that diversity exists between Plaintiff and Scottsdale, the sole Defendant in this action. In further support of this Notice, Scottsdale submits the following:

1. According to Plaintiff’s Petition, Plaintiff is an Oklahoma Corporation with its principal place of business in Oklahoma County, Oklahoma. (*See* paragraph 1 of Petition, **EXHIBIT 3**.)

2. According to Plaintiff's Petition, Scottsdale is a corporation "foreign" to Oklahoma. (*See* paragraph 4 of Petition, **EXHIBIT 3**.) Indeed, Scottsdale is an Ohio corporation, with its home office in Scottsdale, Arizona. (*See* National Association of Insurance Commissioners print-out obtained through Oklahoma Insurance Department website, attached hereto as **EXHIBIT 5**.)

3. According to Plaintiff's Petition, this lawsuit arises out of a claim for insurance proceeds for alleged damage to the subject insured premises. The property which is the subject of this dispute is located in Oklahoma County, Oklahoma (*i.e.*, within the Western District of Oklahoma). (*See* paragraph 2 of Petition, **EXHIBIT 3**.)

4. According to Plaintiff's Petition, Plaintiff seeks actual damages in excess of \$75,000, punitive damages in excess of \$75,000, plus interest, attorney fees, and costs. (*See* prayer on page 4 of Petition, **EXHIBIT 3**.)

5. Plaintiff served Scottsdale via the Oklahoma Insurance Department. The Oklahoma Insurance Department received the Summons and Petition on September 13, 2016, and in turn sent the Summons and Petition to Scottsdale Insurance Company which received said items on September 14, 2016. Accordingly, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

6. In summary, Plaintiff has alleged damages in excess of \$75,000.00, and the present conflict involves parties who reside in different states. Thus, removal jurisdiction exists pursuant to 28 U.S.C. §1441(a) on the basis that the federal court has diversity

jurisdiction under 28 U.S.C. §1332. At the time of this removal, there are no pending motions in the Oklahoma County District Court.

7. Pursuant to 28 U.S.C. §1446(d), written notice of the filing of this Notice of Removal will be served on counsel for Plaintiff, and a copy of this Notice of Removal will be filed with the Clerk of the District Court of Oklahoma County, State of Oklahoma.

Respectfully submitted,

s/R. Thompson Cooper

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**ATTORNEYS FOR DEFENDANT,
SCOTTSDALE INSURANCE COMPANY**

CERTIFICATE OF SERVICE

This certifies that, on October 3, 2016, the above and foregoing instrument was delivered to the following counsel of record:

Jason Waddell
JASON WADDELL, PLLC
222 NW 13th Street
Oklahoma City, Oklahoma 73103

VIA CERTIFIED MAIL

Pursuant to 28 U.S.C. §1446(d), a copy of the foregoing notice has also been sent to:

Mr. Rick Warren
OKLAHOMA COUNTY COURTHOUSE
320 Robert S. Kerr Avenue
409 County Office Building
Oklahoma City, Oklahoma 73102

VIA HAND-DELIVERY

s/R. Thompson Cooper
For the Firm